



**STATE OF MARYLAND
 BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS
 MINUTES OF THE MEETING HELD ON:
 Thursday, May 20, 2021 At 10:00 A.M
 Virtual Video Conference Meeting via Google Hangouts**

MISSION OF THE MARYLAND BOARD OF WATERWORKS & WASTE SYSTEMS OPERATORS
 The Treatment Systems that provide drinking water for our citizens and handle the wastes generated by our daily activities play an important role in protecting Public Health and the Environment of Maryland. Through the Certification Program established by State Law, the “Board of Waterworks and Waste Systems Operators” sets the education, experience and examination standards for Operators and Superintendents who work in these vital systems.

BOARD MEMBERS PRESENT

William Shreve	Wastewater Supervision; Board Chair
Doug Abbot	Water Supervision
Bruce Darner	Agriculture
James Price	Sanitary Commission
Partha Tallapragada	Maryland Environmental Service
Hiram Tanner	Public-At-Large
Dominic Deludos	Industrial Superintendent
Benjamin Thompson	County Government
Eric Dutrow	Public-At-Large
Rosann Ndebumado	Municipal Government

LIAISONS, GUESTS & STAFF PRESENT

Dee Settar	Acting Board Secretary (Recused Board Member)
Jennifer Bowman	Board Counsel
Martin Fuhr	Board Staff
Pam Franks	Board Staff
Victoria Arbaugh	Board Staff
Sue Houghton	Liaison- MRWA
Scott Harmon	Liaison- MRWA
Clark Howells	Liaison- CWEA
Joe Johnson	Guest, Former Board Member
Ron Wicks	Guest, MDE / Compliance
Inez Houston	Guest, Baltimore City DPW
Mohammed Rahman	Guest, Baltimore City DPW
Yosef Kebede	Guest, Baltimore City DPW

01. CALL TO ORDER

Board Chair called the meeting to order at 10:03 AM. Roll Call was done by Victoria Arbaugh, Board staff. The Board meeting was conducted virtually via video conference as required by the state of emergency proclaimed by Governor Larry Hogan due to the COVID-19 Pandemic.

02. REVIEW AND ADOPTION OF PROPOSED MEETING AGENDA

Dominic Deludos moved to adopt the proposed meeting agenda. Ben Thompson seconded the motion. The motion carried unanimously. Board Chair Bill Shreve abstained.

03. REVIEW AND APPROVAL OF DRAFT FOR PRIOR MEETING MINUTES

Board Members reviewed the April 15, 2021 draft meeting minutes. Jay Price moved to adopt the minutes as amended with several corrections. Partha Tallapragada seconded the motion. The motion carried unanimously. Board Chair Bill Shreve abstained.

04. BOARD CHAIR'S COMMENTS

Board Chairman Bill Shreve welcomed and thanked Board Members, Liaisons and Guests for attending and participating in today's meeting. Bill inquired if any restrictions would be lifted at MDE. Board Secretary Dee Settar responded that MDE remains under the restrictions of the City of Baltimore. Victoria Arbaugh noted that the Board should be aware of the stringent policy against providing receipts, of any kind, to constituents who hand deliver applications. Bill noted that his County government was lifting its restrictions. He also inquired whether the Board would have a presence at Tri-Con. Martin Fuhr responded that he will be happy to be in attendance. The Board Chair asked guests to introduce themselves. Ron Wickes introduced himself and gave a summary of his position with MDE's Compliance Program. Inez Houston, of Baltimore City's Department of Public Works (DPW), introduced herself and Mohammed Rahman, explaining that they were in attendance to inquire about the low passing rate for Baltimore City's Operators In Training (OITs).

Board Chair Bill Shreve invited Baltimore City to present their concerns to the Board and a lively discussion ensued. Inez asked what was being done by MDE to improve the pass / fail statistics for Baltimore City's OITs. Bill explained that the Board utilizes the Association of Board Certification (ABC) examinations and could only provide statistical data based upon operator class, as the Board does not maintain employer-based statistics. Bill continued explaining that the passing rate has consistently hovered around 35% for as long as he has served the Board. He also advised that poorly worded or unclear questions that appeared to have result in overwhelmingly incorrect answers have been removed from the exams several years ago.

Hiram Tanner suggested cross training may assist in improving the passing success for the City's employees. Bill Shreve shared he was a former Baltimore City DPW employee and noted large facilities may have operators who work with a specific process and may not be exposed to other processes for plant operation; he agreed that cross training could be very beneficial. Jay Price also agreed the cross training

was helpful and that isolated functions, especially offsite, keeps many operators who are employed by large facilities and systems from learning other functions. Jay Price and Scott Harmon both advised that the Short Course training event is a good option for exam preparation and includes other comprehensive training.

***Terri Ann McCall arrived at 10:39 am (Baltimore City DPW)**

Mohammed Rahman asked if the State provided any examination preparation or training. He also explained that the City is working on a cross training program to improve examination passage rates. Mohammed noted he has more than 50 courses in development to be submitted for approval. Bill Shreve offered his assistance to Mr. Rahman and explained the TRE process for training approval. Bill also advised that the Board does not act as a trainer or educator with the exception of the New Superintendent Training provided twice annually and that the Board relies on the industry to provide training. Bill suggested City employees and management seek membership in one or more of the professional organizations. Clark Howells offered to provide assistance and to provide the City with more information on the Short Course. Bill Shreve asked for the contact information for the City Officials and invited them to observe the rest of the meeting. Dee Settar suggested that the attendees review the April Board Meeting Minutes to gain a better understanding of Board functions.

Eric Dutrow suggested City OITs perform a post exam review to help future OITs focus on exam topics. Eric also referred the City to MCETs Examination Preparation Program OITs who have attempted the exam multiple times. Doug Abbott agreed and noted the EARN Program Employee Advancement Right Now was very effective, explaining the program is grant funded with zero cost to participants. Bill Shreve explained the Maryland Center for Environmental Training (MCET) manages the EARN program and provides numerous training opportunities. He noted the Washington Suburban Sanitary Commission (WSSC) provides dedicated examination preparation courses to the utility's OITs, which results in higher examination passage rates at the exams held at WSSC. Jay Price advised that WSSC would be open to accept Baltimore City employees who wished to attend the examination preparation courses. At this point Inez thanked the Board on behalf of Baltimore City DPW and stated she looked forward to tapping the resources and new contacts, as well as requesting assistance from Board Members who offered help. Dee Settar provided the training approval form and MCET contact information to Baltimore City; she also offered to forward April 2021 and May 2021 minutes as well.

Joe Johnson advised all new Board Members that he will be provide the experience credit and reciprocity log to Dee Settar, who will forward to all members. Dee congratulated Doug Abbot on his Board Appointment and oath to represent Water Supervision. Doug responded that he is honored and noted Joe Johnson had big shoes to fill. Bill Shreve thanked Joe for his service to the Board since 1998. Everyone concurred and expressed their gratitude to Joe for his prolonged service and his willingness to share his wealth of knowledge and expertise.

05. BOARD STAFF'S REPORTS

A. Revenue & Expenditures Update

Acting Secretary Dee Settar presented the updated April Draft Revenue Report and explained the expenditures. She advised the Board that the encumbrance was greatly reduced as MDE recently paid many invoices. She reminded the Board that there would be a new appropriation from MDE for the Board as of July 1, 2021. No questions were posed by the Board in regards to the revenue reporting.

B. Exam Updates

Martin Fuhr presented the April 2021 examination statistics by month and classification. He noted the average monthly passing was elevated to 38% in large part due to a 67% passing rate for the water distribution exam and the (water) T4 exam passing rate exceeded 70% for the month. A total of 80 OITs took exams during the month of April. Dee Settar noted many OITs need to take exams for renewal as soon as possible due to the June 30, 2021 termination date for the Governor's Executive Order which extends certification renewals. Martin agreed and stated many OITs wait until an exam event is held near their location, as opposed to traveling for the next available dates. Dee requested Martin to provide the passing rates for those exams held at Baltimore City to the Baltimore City guests that sought assistance from the Board today. No questions were posed by the Board in regards to the examination statistics.

C. Other Board Initiatives

Acting Secretary, Dee Settar apprised the Board of the launch of the new database and explained that it allows for tracking of utilities by MDE' State Drinking Water Information System (SDWIS) identification numbers and National Pollutant Discharge and Elimination System (NPDES) permit numbers. She also noted that the renewal application form has been updated to disseminate pertinent information about the renewal process to operators. Bill Shreve noted that the database update has been a major accomplishment and gave thanks to Dee Settar, Board Staff, and John Smith for their efforts. Dee Settar noted that she will begin her official Division Chief position / Board Secretary role effective June 2, 2021. Board Chair Bill Shreve congratulated her, as did all other attendees.

Joe Johnson noted the Board should elect a Vice-Chair as he is no longer serves the Board and that position is vacant. Dee Settar asked Board Counsel Jenn Bowman if the Board could hold the election immediately. Jenn noted the regulations did not provide guidance, meaning the decision to hold an election was at the discretion of the Board, and she deferred to Board Chair. Bill Shreve then asked for volunteers. Both Hiram Tanner and Ben Thompson volunteered, with Ben bowing out in honor of Hiram's seniority with the Board. Board Chair Bill Shreve then appointed Hiram as Board Vice-Chairman to serve out the remainder of Joe's term, which expires in July 2021. Dee Settar will also resign from her position as Board Member representing the Department and noted she can no longer be counted towards a quorum.

Dee addressed the Board's Attendance Report and the statutory regulations regarding minimum attendance of 50% of all Board meetings or risk being deemed legally resigned. According to Board Counsel Jenn Bowman, the minimum attendance requirement was created by regulation and not a discretionary policy. Jen also emphasized that the current trend towards "pandemic leniency" will minimize and continued failure to attend could result in a dismissal without warning.

06. ON-GOING BUSINESS

A. COVID-19 (Administrative Extension for Renewals & MDE Letter to Operators)

Acting Board Secretary Dee Settar advised the Board of the mass mailing to operators who had not yet renewed and explained that the initial mailing was problematic with a second mailing required. Joe Johnson noted difficulty for Operators to access the Board page on MDE's website and that the Department's COVID Update" on the main page includes confusing and out-of-date language regarding the Executive Order on the administrative extension; Dee agreed to update the information to ensure consistency. Dee also discussed the examination schedule and that was scheduled to follow the Short Course training event and advised that Board staff would emphasize examinations can be attempted at various third-party proctor testing and that while these exams have an additional fee, the exams are available at multiple locations throughout the State; Martin Fuhr concurred. Dee noted the next website update will include this information as well as available training.

A. Proposed Regulatory Changes

Dee Settar presented a compilation of previously discussed Board-proposed regulatory changes to various Sections of Title 26, Subtitle 06 of the Maryland Code of Regulations. She asked Board Members to review the proposed changes and provide additional concerns by the next Board Meeting. The updates include application of the 50% Process Rule to all operators, provisions for new processes and technology like hydrogen peroxide and membranes, an exemption for Class G OITs, and a correction to the fee schedule regarding the fee to retake an examination.

Board Chair Bill Shreve asked Board Counsel Jenn Bowman if the current fees could be amended to cover expenses for exams and certification processing, as he is concerned the fees do not currently cover actual cost of operations. Joe Johnson concurred and asked whether other Boards list actual fee structure services within the regulations. Dee Settar responded the Board of Well Drillers regulation list exam and other fees, which vary with license. Jenn advised that she would research the matter but did not believe language such as "fee to be determined based on the expense of the service" would be adequate, clear and specific.

Dee noted concerns with low exam passing rates corresponding to OITs taking exams for which they have not certification and asked Board Members for thoughts on a regulation to require OIT status prior to taking that particular exam. Bill Shreve noted such a regulation would limit an operator from taking exams for different classifications, which can afford an operator a chance for both promotion and growth within the industry. Dee Settar felt that a wastewater operator should be allowed to take additional wastewater exams but not water exams unless holding a water OIT certificate. Ben Thompson agreed, stating he believes an operator should only be allowed to take exams within their

own field. Jay Price would like to see the Board limit the number of times an Operator in Training can sit for the examination. Bill Shreve noted such a restriction may be burdensome on small systems. However, he agreed with Dee and Ben that some kind of required training for those with multiple repeated failures. Ron Wicks noted that certain operators, such as those nearing retirement, have no interest in obtaining full certification or advancing within the field and suggested giving operators a designated time frame within to pass the examination. In the interest of time, the discussion of regulatory changes was table to the next meeting.

07. NEW BUSINESS

A. Allegation of Falsification and Postponement of Closed Session

Dee Settar noted the planned closed session regarding a complaint for false reporting would be postponed due to limited information at this time. Board Chair Bill Shreve concurred and noted that Board would await for MDE to begin an investigation to begin. Ron Wicks briefed the Board that the matter was initially reported to the Compliance Program and has been turned over to MDE's Environmental Crimes Unit (ECU). Ron continued by citing specific statutes that may come into play regarding an allegation of false reporting by a Wastewater Operator. The matter is awaiting review and approval by the Director of MDE's Water and Science Administration and, if approved, will be forwarded to the Board for potential administrative action against the operator's certification. Dee Settar offered to send the Board's regulations all Board Members. Joe Johnson advised the Board to consider the fact that they can either suspend or revoke multiple certifications dependent upon the severity of the infraction. Board Chair Bill Shreve thanked Ron Wicks for his assistance and advised the Board will await the referral to take swift action if necessary.

B. Review of Continuing Education Application

Martin Fuhr requested Board Members make an exception to the Training, Review and Evaluation policy to consider an application for training as a courtesy for the American Water Works Association (AWWA) due to postponement of the TRE Committee meeting scheduled for June 7, 2021. Martin recommended approving the application for the AWWA Annual Conference for all Operators according to the Board's Conference Rule. Doug Abbot moved to adopt Board staff's recommendation. Jay Price seconded the motion. No Board Members had any objections and the motion unanimously. Board Chair Bill Shreve abstained.

C. Discussion of Operator Inquiry

Dee Settar conveyed an operator's inquiry regarding minor changes to names of previously approved Sacramento courses and that Board Staff tried to determine if more than 20% of the content changed, which requires an updated review of material by the TRE Committee. Board Chair Bill Shreve recommended the operator simply request approval of the courses in question. Bill also noted professional Associations could also submit courses for approval on behalf of operators. Dee advised she would make that recommendation to the inquiring operator.

08. DISCUSSION WITH BOARD LIAISONS AND GUESTS

Scott Harmon (MRWA) – Advised all in attendance to remember that the deadline for submitting the EPA Risk and Resilience Assessments at the end of June and he is available to provide assistance to water systems. Eric Dutrow add that the list of systems is not posted until after the deadline.

Clark Howells (CWEA) – Advised CWEA has concerns about membership and renewal levels. The organization is working on a diversity and inclusion initiative. He noted Tri-Con is planned to be an in-person event and mentioned upcoming webinars about residuals management and master planning.

Bruce Darner (WWOA) – Noted they have 28 applications and will hold an in-person meeting to award 12 Tri-Con scholarships in the near future. He also advised he will miss the next meeting for personal reasons. Board Chair noted his absence would be considered as excused. Board Members collectively wish Bruce and his Family well.

Jay Price (CSAWWA) – Reminded Board Members of the upcoming Short Course and noted the Tri-Con will not include the popular pipe cutting contest but will include the “Meter Madness” competition.

09. ADJOURNMENT

Bill Shreve moved to adjourn the virtual conference meeting at 12:51 PM. The next meeting will be held on **June 17, 2021 by Video Conference to be held using Google Hangouts.**